

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GREGORY PAUL PRICE,

Petitioner,

v.

No. 2:06-cv-071

HON. R. ALLAN EDGAR

LINDA METRISH,

Respondent.

MEMORANDUM AND ORDER

Gregory Paul Price has filed a *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254 challenging the validity of his December 22, 2005 state parole revocation. Magistrate Judge Timothy P. Greeley submits a report and recommendation [Doc. No. 2] pursuant to 28 U.S.C. § 636(b)(1) recommending that the habeas petition be dismissed on the ground of failure to completely exhaust available state court remedies under Michigan law. The Magistrate Judge also recommends that a certificate of appealability be denied under 28 U.S.C. § 2253(c)(2).

On April 6, 2006, Price made a motion for reconsideration [Doc. No. 3] which the Court treats as an objection to the report and recommendation. After reviewing the entire record *de novo*, the Court concludes that the objection is not well taken and it is **DENIED**. Price has failed to meet his burden of showing that he has exhausted his available state remedies.

Pursuant to 28 U.S.C. § 636(b)(1), the Court hereby **ACCEPTS AND ADOPTS** the Magistrate Judge's report and recommendation. The petition for writ of habeas corpus brought under 28 U.S.C. § 2254 will be **DENIED AND DISMISSED WITHOUT PREJUDICE**. For the reasons expressed by the Magistrate Judge in the report and recommendation, any application for a certificate of appealability under 28 U.S.C. § 2253(c) is **DENIED**. Any appeal would be frivolous.

A separate judgment will enter.

SO ORDERED.

Dated: 6/19/06

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE